JASHAN COMMITTEE

AND

THE PARSI COMMUNITY

A SURVEY

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BY

SHIAVAX R. VAKIL

SOLICITOR, BOMBAY.

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by

Willard G. Oxtoby

THIS BROCHURE IS DEDICATED

TO

THE FANATIC ORTHODOX

AND

THE IMPATIENT REFORMIST SECTIONS

OF THE

EDUCATED, ENLIGHTENED AND ELITE

PARSI COMMUNITY

"There are two for whom there is hope.
The man who has felt God's touch and been drawn to it,
And the sceptical seeker and self convinced atheist
But for the formularists of all the religions,
And the parrots of free thoughts,
They are dead souls who follow a death that
they call living."

Sri Aurobindo.

ACKNOWLEDGMENTS AND APPEAL

My grateful thanks are due to:—

(1) My dear friend Maneck Mistry for supplying valuable and reliable data concerning the character and integrity of Dastur Kutar and Ervad Jal Bajan and for not heeding to my repeated entreaties and requests not to hold the meeting of 1st April 1970 which has made this publication possible.

(2) Dasturji Khurshed Daboo for placing before the community *in Jam-e-Jamshed two days in advance prior to the meeting* his priceless, sane, sober and balanced views in respect of problems forming the subject matter of the meeting held on 1st April 1970 (vide Jam-e-Jamshed dated 30-3-1970 Rah-e-Mazdaysani Column).

My humble appeal to Dasturji Mirza, Ervad Phiroze Kotwal, Mr. Homi Dhala and Professor Khurshed Sheriar to disassociate themselves from their colleagues with whom they got mixed up on the All Fools Day—1970 *before it is too late.*

—Shiavax Vakil.

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Every community, whether small or large in number has its philosophy, its customs and its traditions. Philosophy is its religion, its Dharma, its 'Din'. In fact, the two expressions are interchangeable. Customs and traditions change with the times. A community can only survive if it adheres to its religion. The decline of a community begins when religion is given literally a go-by, customs and traditions get a preponderance over it, giving rise to fanaticism, intolerance and bigotry.

2. Our community is no exception to this rule. We have survived not because of our customs, not because of our traditions but because of the basic principles of our religion, our Dharma, our Philosophy. So-called self appointed leaders of our community including our high-priests have through propaganda in the press attempted to create an illusion in the minds of Parsis that they owe their existence and their survival to their customs and traditions. This is an illusion and like all other illusions must disappear. We Parsis have survived because of the basic concept of our philosophy—our religion is our way of life—based on Ashoi that is rectitude, straightforwardness, honesty and integrity. We have survived and thrived because we have always considered ourselves as part and parcel of the country that has given us shelter. We do not owe our survival to (a) "touch-me-notism", or (b) segregation of our females during menstruation, or (c) ceremonies or (d) customs or (e) traditions which have changed from time to time depending upon the economic and political conditions of the country in which we lived. Our religion which is a matter of our conviction cannot undergo any change. Customs disappear, traditions dissolve, ceremonies undergo changes with times depending upon economic political and other considerations.

3. The leaders of the community including the Trustees of the Parsi Panchayet have a legitimate role to play in building up true character of the community. It is only when the kernel is lost and we stick to the shell that our annihilation begins.

4. I do not claim to be a guide of the community or of any section thereof nor have I adequate time or means required to be a guide. The party politics and other virtues from which some of our leaders have emerged are miserably lacking in me. I do not represent the community unlike some leaders and high priests. Whatever I have stated hereafter is in my capacity as a humble servant of my community. I do not aspire to be a leader of the community. I do not open my mouth unless compelled to do so. Upto now, I have been a silent spectator watching the merry-go-round in which two rival groups of the community desire to involve the rank and file of the community. I, however, feel that a stage has reached at which I should express my views without fear or favour.

5. Personally I do not claim to know Dastur Bode other than having had two meetings with him, each lasting for about 10 minutes in matters which did not and do not concern either Zoroastrian religion or its philosophy or its customs or traditions. I have never discussed with him any issues touching the community. The meetings were personal in character. I, however, claim friendship with Mr. Maneck Mistry, Chartered Accountant, Trustee of the Parsi Panchayet and President of an Institution functioning in Bombay known as Jashan Committee and which claims to speak and act on behalf of the community. Mr. Maneck Mistry has been rendering very good service to the community by organising the Golvad Rural Home for Boys and Girls in which apart from himself, his wife has not played a small part. If, however, he rested his activities there, I would have no grievance whatsoever against him, but unfortunately with the magnificent obsession of a claim to leadership of the Community and control of the Communal Daily Jam-e-Jamshed, he has involved himself into a whirlpool with his A.D.Cs. who are discredited and disreputable in character as certified by Mr. Mistry himself. His publicity, however, in the said paper has reached a nauseating height. I have been very frank with him and I have brought this matter to his notice on several occasions.

6. When the controversy about Dastur Bode having performed Ashirvad ceremony of Zubin Mehta was raging in the press, I requested him to see me at my office and when he saw me I

handed over to him my letter dated 25th September 1969 which I re-produce below:—

Bombay
25th September 1969.

My dear Maneck,

I have been watching with keen interest the unfortunate controversy which has been raging in Jam-e-Jamshed concerning certain action of Dastur Bode.

Whilst basically I have nothing against you or in favour of Dastur Bode, I have reasons to believe that one very important aspect has been lost sight of by those who are advocating an Anjuman Meeting viz. that before Dastur Bode performed the so-called Ashirvad, there was a completed marriage under the Christian Law of a Christian female with a Parsi male. Under the Indian Christian Marriage Act or Ecclesiastical Law or Special Marriage Act it is not necessary that both parties should profess Christian religion nor is it necessary that a Parsi should give up his faith or religion and become Christian.

Marriage between spouses of whom one is a Parsi and another Christian is recognised throughout the World. Neither party has to give up his or her faith. The ceremony may be performed in a Church or before a Registrar. Once such a marriage is solemnised anything that Dastur Bode did thereafter was a superfluity having no religious or legal effect.

I am sure you are aware of the fact that even today amongst the orthodox sections in our community, there is not only a Pazand Ashirvad, but the same is followed by Sanskrit Ashirvad. Would you consider Sanskrit Ashirvad as a ceremony of marriage under the Parsi Law? The matter however does not rest here. There is again a third "Pachhli Ratna Ashirvad". By no stretch of imagination you would call that a ceremony which solemnises the marriage.

I also assume that you are aware of the fact that after Gandhiji was assassinated, a number of Parsis including Bapsi Sabavala had his Baj performed.

Speaking for myself, I do not see how such an act would be sacrilegious as offending the religious feeling of the orthodox of the Community.

The criterion to my mind is—What was the motive which actuated Dastur Bode to do a thing at a place thousands of miles away from India. Did he do it with the intention of offending the religious feeling or he did it only as a matter of giving blessing to a Parsi who was married under an alien law by an alien ceremony, a parsi of whom not only the Community not only India, but the whole world is proud as a "musical genius".

When the question of offending the feeling of a particular person arises, one should not lose sight of the fact that every human being has a feeling—otherwise he is unfit to be called a human being.

I feel that this particular aspect has not been considered (vide Dasturji Khurshed Daboo's message published on Monday last in Jam-e-Jamshed). Very often I have seen Parsi priests blessing a Hindu or Muslim couple on the occasion of the marriage by adopting the language of Tandrosti viz. Dhan Van, Putra Van, Ayushya Van, Laxmi Van, Vridhi Van. The basic concern should be, does anybody invoke a ceremony with a view to offending the feeling?

I was deeply grieved to find that when the photograph of the Dokhma was exhibited at Raveline Street, not a single Dasturji came forward to protest and dared to go and smash those photographs!!!*

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* When these photographs were exhibited at Raveline Street, I requested Mr. Mistry to give me the name and address of one single Parsi Zoroastrian of some credit and status who would be prepared to be the Complainant in a test case which could be filed against Mr. Joshi for committing an offence under section 294A of the Indian Penal Code. Mr. Maneck Mistry was unable to furnish to me one single Parsi Zoroastrian of some status who could come forward as a formal Complainant. I offered to fight the case as a test case absolutely gratis. Even Counsel who would appear for the case would not charge a rupee. Nobody came forward.

I trust that you will not take this letter of mine amiss. I have no axe to grind. I am not interested in this controversy. I consider this controversy a waste of time and energy. The Community has a number of problems more pressing and serious with which nobody seems to be concerned.

Speaking for myself, my own view is that this incident should have been totally ignored by the Community. By giving it importance, you are only inciting the immature in-experienced younger generation to follow suit and invite priests professionally to bless them after undergoing a ceremony under the Special Marriage Act.

Yours sincerely,
(S. R. Vakil)

7. He took the said letter with him. I impressed upon him the utter futility of continuing this controversy in the press further. I also impressed upon him that it would not be proper for him to represent that he had any right or authority or jurisdiction to speak on behalf of the community as such. He thereafter gave me repeated assurances that he would not call any meetings of the community. However, in the last week of March 1970, on reading in Jam-e-Jamshed that a contemplated meeting was to be held on the 1st April, I thought that this was a joke being played on April Fools Day on the community. From the events that have taken place which I shall deal with, it is clear that it was intended and was and is a huge joke. *The tragedy of the joke, is, that it is perpetrated in the name of our religion, in the name of our Dharma, in the name of our Din, and in the name of our community.*

8. On the 24th March 1970 an article appeared in Jam-e-Jamshed under the signature of Mr. Noshir Kamdin to the effect that three questions were asked of Dastur Bode by Dastur Kaikhushru Kutar. From the facts which I shall set out hereinafter, only a congenital idiot would recognise the authority of Dastur Kutar as having any locus standi to ask any question to any one much less to another Dastur.

9. On the 25th March 1970 one N. F. Mukadam intimated by his letter addressed to the Editor of Jam-e-Jamshed that 1st April was a very important day for the Parsi Community. By the said letter he invoked the Parsi Community to remain present in overwhelming numbers so as to enable the conveners of the meeting to give a suitable reply to the movements which brought the community and the religion to ridicule.

10. On the 27th March 1970 again the questions asked by Dastur Kutar were repeated by the Editor of Jam-e-Jamshed.

11. On the 28th March 1970, there was propaganda in Jam-e-Jamshed invoking the Parsis to remain present in the public meeting of the Parsi Community. On the same day, an article under the signature of one Mr. B. D. Pithawala appeared in which one of the questions discussed was whether a Parsi lady having menstruation could enter any of the holy places. I have never understood why such questions should be agitated in the press. Which of the Parsi ladies have claimed a fundamental right to enter the holy places whilst in menstruation? I have during the last 25 years attended regularly a number of Fire Temples and have seen a number of poor and middle-class office-going girls regularly attending the Fire Temples and paying their homage to the sacred fire. Have they at any stage claimed a right to enter the Fire Temples? Has this issue anything to do with Zoroastrian religion?

12. Then followed a leader on 30th March 1970 in the Jam-e-Jamshed with the caption "Out of the Mountain Came the Mole", "an irrelevant and inconsistent religious exposition by Dasturji Bode." Then followed the newspaper of 1st April 1970, the 'historic day'. An article appears under the signature of Mr. Ardeshir Homavazir. It is apparent from the trend of the said article as to who has inspired the same. I, however, do not wish to comment on it. The article speaks for itself. It gives a compliment to the leader of the community Mr. Maneck Mistry, the present President of Jashan Committee.

13. On the 1st April 1970 being the All Fools Day, a so-called meeting of the Parsi Community is held.

14. On the 2nd April 1970 on the front page there appear three big captions (1) "Parsi Community Gives a Stunning Blow to Dasturji Bode"; (2) "Strong Protest and Disapproval at the Dirty Propaganda against the Community, Religion and Dharma"; (3) "Mammoth and Historic Presence of the Parsis collected at Sir Cowasji Jehangir Hall".

15. Whoever may have been the draftsmen of these captions, it is apparent that these captions are false and totally misleading. No persons who were present at the said meeting have any locus standi, right or authority to speak on behalf of the Parsi Community, not even Mr. Maneck Mistry, Dr. Aspi Colwala and Mr. P. C. Hansotia who had graced the occasion with their august presence. The most extraordinary features of this meeting have been *(A) neither the names of the speakers nor the name of the Chairman of the meeting were previously announced; (B) neither the text of any of the resolutions nor persons who were going to propose them or second them was announced;* (C) the meeting was held under police protection. I passed by the Hall at 7.15 p.m. and I was astounded to see police bandobust. That speaks volumes about the discipline of a civilised and educated community.

16. Para 1 of the said report says that the presence of Hon'ble Leader of the Community Sir Jamsetji Jejeebhoy, 7th Baronet was specially noticeable. I do not know when, how and under what circumstances he became the Hon'ble Leader of the community nor am I aware of his contribution to the services of the community. By having such a caption in the beginning of the report, poor Sir Jamsetji Jejeebhoy who was induced to attend the meeting with a promise of a seat on the dais, has been put in the most vulnerable position. The more extraordinary feature is that amongst those present in this august assembly as spectators, all have remained nameless. Mr. B. Minocher-Homji then proposed that Dasturji Mirza should preside at the meeting, Ervad Phiroze Kotwal seconded the proposal and thereafter Ervad Jal Bajan read the messages received from different Anjumans.

I shall deal with the compliments he paid to Jam-e-Jamshed as an orthodox paper at the appropriate place.

17. There appears on the very first page the pictures of those who were on the stage viz. Dr. Aspi Golwala (only half of his face is visible), Mr. Maneck Mistry the convener and director of the meeting, 7th Baronet Sir Jamsetji Jejeebhoy, Mr. Nanabhoy Byramjee Jejeebhoy, Dastur Kutar and Dasturji Bhesania. At page 7 [the report ends with garlanding by Mrs. Dhondi of Dr. Hormazdiar Mirza, Dastur Kaikhushru Kutar, Sir Jamsetji Jejeebhoy, 7th Baronet, Mr. Pestonji Hansotia and Dr. Aspi Golwala.

18. Then followed the slogans "Jam-e-Jamshed Zindabad" and "Maneck Mistry Zindabad" and all dispersed.]

19. *If this was a meeting for the survival of the community the least one would have expected was a slogan "Parsi Community Zindabad". "Hama Anjuman Zindabad".*

20. This was not enough—Jam-e-Jamshed of 3rd April 1970 carried a detailed report. This report again begins with "In this meeting Honourable Leader of the Community Sir Jamsetji Jejeeboy's presence was not conspicuous". Mr. Minocher-Homji has then dealt with the historic meeting of 1942 when Sir Byramjee Jejeebhoy had presided. He further refers to the pains which Mr. Maneck Mistry took in inducing Mr. Nanabhoy Jamsetji Jejeebhoy to invest lacs of rupees in Jam-e-Jamshed. It is significant that the names of other directors of Jam-e-Jamshed were not mentioned. I assume that both Mr. Maneck Mistry and Mrs. Dhondi still contniue to be directors.

21. Thereafter according to the report Dasturji Hormazdiar's name was proposed as the Chairman. Ervad Jal Bajan (for whom Mr. Maneck Mistry had given a glorious tribute in 1967) again referred to the Navjot ceremony performed by Dastur Bode in 1942. Dasturji Hormazdiar Mirza has expressed in his scholarly address a dual apprehension viz: (a) use of Zoroastrian religious ceremony for intercommunal marriages, and (b) use of Zoroastrian religious ceremony after a marriage had taken place according to non-Parsi ceremonies. Obviously Dasturji Mirza

has not taken into consideration the third apprehension viz. Zoroastrian Ashirvad ceremony in respect of two Parsis professing Zoroastrian faith having undergone a civil marriage. Dasturji Mirza has then proceeded by stating that history has taught us that Iranis who came to India before Parsis came were unable to keep up their individuality or existence and that a serious lesson was to be learnt from this. *(All Iranis who are Zoroastrians will note this insinuation)*. It is further stated that those who wish to introduce inter-communal marriages and convert non-Parsis into Zoroastrians are guilty of a heinous act of annihilating the existence of Zoroastrian religion and community. He has further expressed an apprehension that if such customs enter the community, the community would be non-existent very soon. It is further reported that the population of the Parsi Community is on the decline. I should like to know both from Dasturji Mirza as well as Mr. Maneck Mistry as to when this realisation has come to them that Parsi population was on the decline and if this realisation came to them, what constructive steps have been taken so far by them or by the Jashan Committee to lessen such apprehension.

22. Dasturji Mirza has then referred to personal magnetism ritual purity and untouchability and then referred to Patet. I do not wish to enter into any controversy as to when and under what circumstances Patet was introduced.

23. Then follows a caption "Asli Fasli Asli". It is stated by Dasturji Mirza that Framroze Ardeshir Bode who is considered to be a ring leader of the Reformists was originally Asli (orthodox). Then he became Fasli and along with Fasli he continued to be Asli. When he had to go out from Fasli Society, he again became Asli. He now appears to be Asli Fasli Asli (loud laughter). Whilst I attribute great sense of humour to Parsi Community, I have never understood what a classical joke Dasturji Mirza made which evoked loud laughter. Dasturji Mirza further stated that 35 or 40 years ago one Dastur Saheb was being called from upcountry to give lectures and his entire expense was borne by a rich Parsi Zoroastrian of Bombay and when this Dasturji was giving his lectures in Bombay, this rich man got religious

ceremonies performed on every Adar Roj at Udvada (laughter). I do not understand how this comment can evoke laughter from the audience unless they were laughing at the speaker and not with the speaker. Then Dasturji Mirza has dealt with an allegation that a particular allegation is made against the Athornan Class, that for the sake of money only ceremonies are being performed. Dasturji further goes on to state that *you cannot judge the entire Athornan Community from the conditions prevailing in Bombay.* Obviously Dasturji hints that conditions prevailing in Udvada are different and that in Bombay such conditions prevail, that is, Bombay Zoroastrians are so gullible fools that they are tools in the hands of the priestly class who extort money from them. What does Dasturji Mirza desire to do? To run Udvada Special for Bombay Zoroastrians to have their ceremonies performed at Udvada where better conditions prevail? Dasturji Mirza then goes on to say for the sake of argument conceding that the ceremonies are useless and a lot of money of the Behedins is spent on them, there are several other evils in which the Parsi Community's money is being spent viz. (a) (Khani-Pini) feast; (b) races; (c) gambling (which I presume includes speculation at Stock exchange by the High Priests and Matka); (d) dancing and (e) smoking. Why should there be a crusade only against religious ceremonies? Dasturji Saheb feels and says that the Parsi Community is full of all these vices.

24. Let us take each of them separately—

(a)(i) *Khani-Pini (feasts)*: I have been proclaiming from house tops for the last several years about the wanton and unnecessary expenditure on marriages and Navjot feasts particularly but who listens? How many of the Parsi priests are prepared to boycott such functions? On the contrary, Parsi Priests and Dasturjis are yearning to attend such functions. What has Jashan Committee done in this respect?

(ii) How was Dr. Aspi Golwala's election at Trustee of the Parsi Panchayet celebrated that very night at Mr. Maneck Mistry's place? Was any speaker present on the dais invited? Did he get dead drunk?

(iii) What types of advertisements for different types of foods appear in the Orthodox paper Jam-e-Jamshed and on what assumption? That we are a community of gluttons! Why should this orthodox paper publish such advertisements?

(b) *Races*: Has Dasturji ever counted the number of columns and pages every week devoted by this orthodox paper Jam-e-Jamshed to racing—not to talk of advertisements and race tips. For whose benefit? Vicious Parsis?

(c) *Gambling (including speculation and Matka):*

Did it occur to you Dasturji Mirza that Dastur Kutar and another Dasturji who shall be nameless were involved so heavily financially in speculation—that both of them had to vacate their gadi? What constructive steps were then taken by the then Dasturjis to bring about discipline amongst the Dasturjis themselves? When Dastur Kutar's right title and interest to receive his Ashodad and Chamach income were attached and advertised for auction by the Sheriff of Bombay, were the leaders of the Parsi Community blind, deaf or dumb? And where was the Jashan Committee functioning? *Collecting funds for him.*

(d) *Dancing and (e) smoking*: What does the Orthodox editor of the Orthodox paper feel about this comment? Will the editor of the Orthodox paper publish an editorial on this vice of the Parsis?

25. Whilst I do not partake of marriage or navjot feasts, or gamble, or go to races or dance or smoke, I do not consider people who go to these places as vicious. The vices of the community are (a) mis-appropriation of funds entrusted to Parsi Priests who are office bearers of our institutions; (b) calumny; (c) hatred; (d) insane jealousy; (e) bigotry; (f) self-conceit and (g) self-deception. These are the real vices and I consider it the duty of every Parsi who professes the Zoroastrian faith to combat these vices.

26. Dasturji Mirza has then stated that because of the honesty, hard work and religious faith that our leaders prospered. This is true no doubt that honesty and integrity are essential but to mix

up honesty and integrity with customs and ceremonies would be doing insult to intelligence.

27. I heard Dasturji Mirza twenty-five years ago at Surat at the Gujarat Parsi Parishad and his speech after twenty-five years has been in keeping with his fanaticism which he had then displayed against Meherbaba and his followers. In spite of all his scholarship, he still has the same intolerance, impatience and inability to see the adversary's point of view. His speech as reported in the press has been an "intellectual diarrhoea", especially when you compare it with the resolution that he moved, which is published three days after the speech.

28. I also appeal to Dasturji Mirza not to associate himself with the elements that have been responsible for his being made a scapegoat to preside at a meeting convened by the Jashan Committee which is a disreputable organisation as will be apparent from what I have stated hereafter.

29. *The second resolution*: I shall now deal with the second resolution put by Dastur Kaikhushru Kutar. Probably Mr. Maneck Mistry may have forgotten about the decrees obtained by Marwari money-lenders against Dastur Kutar. Dastur Kutar was then represented by Messrs. Hormasjee M. Vakil & Co. Insolvency notices were issued against Dastur Kutar. Dastur Kutar had mortgaged his right title and interest to receive Ashodad, salary and other emoluments from Wadiaji Atash Behram which during those days were in the range of atleast Rs. 1,500|- and Rs. 2,000|- per month. Funds were raised for Dastur Kutar. After these happenings can Dastur Kutar still claim to be called Dastur? This occurred several years ago and I, therefore, do not wish to dig into the hoary past but I reproduce below the testimonial given by Mr. Maneck Mistry to Dastur Kutar and Ervad Jal Bajan. The tributes to the honesty and integrity of Dastur Kutar and Ervad Jal Bajan therein referred to as Mr. Jal Bajan were given by Mr. Maneck Mistry, President of the Jashan Committee through his Solicitors Messrs. Payne & Co. in reply to a letter of Messrs. Vachha & Co. as late as 17th January 1967.

"Mr. Jal Bajan used to act as teacher for religious instructions in Sir Cowasji Jehangir School at Tardeo. Lady Jehangir is

the President of this Institute. She informed our client that the management was not pleased with Mr. Jal Bajan as religious teacher on several grounds and desired that the necessary appointment be made of some suitable person. She wrote to our client by her letter of 20th May 1965. At that point of time, our client asked the Secretary Mr. Dumasia to convey to Dastoor Kutar, who is the Head Teacher, with regard to the complaint of Lady Jehangir, asking Dastoor Kutar to make suitable changes in place of Mr. Jal Bajan. Mr. Dumasia, the Secretary, spoke to Dastoor Kutar, but Dastoor Kutar took no action. This compelled Lady Jehangir to write another letter to our client dated 11th August 1965, reminding him once again to arrange for a suitable religious teacher in Sir Cowasji Jehangir School. In this letter *she wrote that Mr. Jal Bajan was not considered satisfactory and that his unpunctuality completely upset the school curriculum, which, according to her, was detrimental to the interest of the School.* She, therefore, once again made a request to our client for appointment of *some other person* in place of Mr. Jal Bajan. As President of the Jasan Committee, our client brought this matter before the meeting of the Working Committee held on 6th October 1965. It was at the instance of Mrs. Bapaimai Dalal, one of the oldest and highest responsible members of the Managing Committee that it was decided that arrangement should be made to send a suitable religious teacher in place of Mr. Jal Bajan. Lady Jehangir is a great Patron of the Committee and has contributed by thousands. This has been done during our client's Presidentship.

We are instructed by our client to state further that one of the permanent members of the Managing Committee, *Mr. Bomanshaw Minocherhomji, has brought a very serious charge against Mr. Jal Bajan in matters of certain religious ceremonies said to have been got performed by Mr. Jal Bajan,* which charge, according to Mr. Minocherhomji, would justify the Committee Members under the relevant Rules of the Jashan Committee in

removing Mr. Jal Bajan as a Member. It is Mr. Jal Bajan, who as aforesaid, as a paid employee of the Jashan Committee, at several meetings of the Committee entered into long discussions, and as such, the abovementioned draft minutes as prepared by the Secretary could not be finalised. It is Mr. Jal Bajan who is responsible for the delay in finalising the minutes and, in fact, for hampering the work of the Managing Committee.

The facts mentioned above, we are instructed to state, clearly evidence that *Mr. Jal Bajan is acting maliciously to serve his purpose and to* avoid the necessary steps being taken against him for his removal as a Member. According to some of the Members of the Managing Committee, *it is not in the interest of the Jashan Committee that Mr. Jal Bajan should continue as a member.* It is, therefore, clear that the firm way in which our client, Mr. Minocherhomji and otheer members of the Committee have acted, has completely upset Mr. Jal Bajan and put him on inimical terms.

We are now instructed to refer to Dastoor Kutar. As aforesaid, he is the Head Teacher of the Jashan Committee and a paid-employee. As President of the Jashan Committee, our client received several complaints from respected persons in the Parsee Community about the mis-management in the affairs of the Jashan Committee and these complaints *have been in particular against Dastoor Kutar, your client Mr. Jal Bajan and Dastoor Kutar's brother Mr. Naoroji Kutar.* In order to improve the working of the Committee by introducing in the Committee respected Dastoors, at the instance of our client, two learned respected and reputed Dastoorjis of the Parsi community were elected as Honorary Patrons, namely, Dastoorji (Dr.) Hormazdyar Mirza, M.A., Ph.D., Vada Dastoor, Udvada, and Dastoorji (Dr.) Kaikhushroo Jamaspashana Head Dastoor, Anjuman Atash-Behram, Bombay. Our client's action in this behalf was openly disapproved by Dastoor Kutar and his associates. When our client requested the said two Dastoorjis to take active interest in the

affairs of the Jashan Committee and offered them to work on the Working Committee, *they declined stating that till such time that on the Committee Dastoor Kutar, Mr. Jal Bajan and Mr. Naoroji Kutar are there, they are not inclined. Today there is a strong urge in well-placed Parsees in the Community that the above three gentlemen should be removed from the Jashan Committee and make room for learned and reputed persons in the larger interests of the Jashan Committee, bearing in mind that the object of the Committee is to spread the knowledge and tenets of the religion in the Parsi Community.* As a Trustee of the Athornan Mandal, our client had requested the said two Dastoorjis and Dastoorji (Dr.) Minocher Karkhanawalla, the eminent religious scholar to become Trustees of the Athornan Mandal, and offered to vacate his office of Trusteeship in favour of one of them. At that time also they declined to be associated with the Athornan Mandal, principally on the ground of Dastur Kutar being the President, and Mr. Jal Bajan and Mr. Naoroji Kutar being the Hon. Secretaries. *Dastoor Kutar is reported to be in constant financial difficulties. Some time back an application in insolvency was made against him and it was at the intervention and with the help rendered by our client that he came out from his insolvency.* There have been occasions in the past when financial help was given by our client to Dastoor Kutar. Further, there have been instances when our client offered substantial financial help to *Dastoor Kutar, who had caused loss to charitable institutions, for two-fold purposes.* The first with the laudable object that the Charitable Institution of which Dastoor Kutar was and is a Trustee, should suffer no financial loss on his account and the second to extricate Dastoor Kutar himself from difficulties in which he was and is placed by his own wrong doing. The first instance relates to *Sahiyar Fund* of which Dastoor Kutar is a Trustee. Without discussing the details, our client refers to a meeting that took place at his residence when the following persons were present:—

(i) Our client Mr. Maneck Mistry
(ii) Mr. Senor, Advocate
(iii) Mr. Bomanshaw Minocherhomji
(iv) Mr. Dinshaw Kapadia, Advocate.

At this meeting, our client offered to settle the Sahiyar Fund matter with the Charity Commissioner on the lines indicated below.

Dastoor Kutar should get ascertained through his auditors the amount of real loss caused to the Trust, which, according to Dastoor Kutar, was estimated at Rs. 12,000 to Rs. 14,000. On ascertainment of this loss, our client offered to settle the matter with the Charity Commissioner, State of Maharashtra our client himself offering to pay the said amount of loss in the event of the Charity Commissioner agreeing to the Settlement. Our client reliably understands that the inquiry in the Sahiyar Fund affairs is before the Charity Commissioner, State of Maharashtra.

Mr. Dinshaw Kapadia, Advocate, who was present at the meeting, who earlier acted as Advocate for Mr. Jamshedji Kutar, a Trustee of the Sahiyar Fund, undertook to go to Navsari and induce his client Mr. Jamshed Kutar to agree to the proposed settlement with the Charity Commissioner. We are instructed to state that *Mr. Jamshedji Kutar had got published complaints against Dastoor Kutar about the Sahiyar Fund in one of the issues of "Jam-e-Jamshed".*

The second instance relates to Navsari Atash-Behram Fund in which also Dastoor Kutar was implicated. Our client in order to get him out of the difficulties discussed the terms of Settlement with the then Charity Commissioner, State of Maharashtra, Mr. Bhatt. *The amount that was offered for settlement was the sum of Rs. 60,000*|-. During discussion, Mr. Jussawalla Solicitor, Mr. Bomanshaw Minocherhomji and ors. were present. In this case also a meeting took place in the office of Mr. Jussawalla, Solicitor, when our client, Dastoor Kutar and Mr. Bomanshaw Minocherhomji were present. As aforesaid, *in order to extricate Dastoor Kutar from the difficult situation in which he was situated, our client had then offered to contribute on behalf of Dastoor Kutar the sum of Rs. 15,000*|- towards the loss suffered by the Trust on account. To cite one more instance, when our client was at Delhi for some professional work, he arranged with Mr. Shiavax Nargolwalla, I.C.S. President of Delhi Parsi Anjuman to send

Dastoor Kutar to Delhi to give lectures at our client's expense. *Dastoor Kutar went to Delhi and our client bore all the expenses.* When our client was at Karachi, he wanted to make similar arrangement with Mr. Rustom F. Cowasji, the then President of Karachi Anjuman and offered to send Dastoor Kutar to Karachi at our client's expense. Mr. Rustom F. Cowasji declined the offer stating certain reasons, *which our client had conveyed to Dastoor during his talk with him as hereinabove mentioned.* We are instructed to state that at times our client was blamed by some of his senior colleagues on the Board of Trustees of Parsi Punchayat and some prominent members of the Main Committee of the 2nd World Zorastrian Congress for helping Dastoor Kutar. *It is only when startling things reached the ears of our client that he has been compelled to take a firm attitude and it is principally on this account that Dastoor Kutar has joined with others to malign our client.* However, about two years back some startling things came to the knowledge of our client about Dastoor Kutar. In view of the respect that our client then held for Dastoor Kutar and his age, he was called by our client at his office and our client placed before him certain startling things which came to his knowledge. This was done in the presence of Mr. Bomanshaw Minocherhomji, Municipal Corporator J.P., and a permanent member of the Managing Committee. It seems the frank talk that our client had with Dastoor Kutar did not please Dastoor Kutar and it is on this account that he with others has joined hands with Mr. Jal Bajan and others against our client to serve his own purpose. Our client does not propose to set out in the present reply further details about Dastoor Kutar. Having regard to his age, during the discussion that our client had with Dastoor Kutar in the presence of Mr. Minocherhomji, our client suggested to him that *for good reasons he should retire as Head Teacher of the Jashan Committee and our client offered him pension equivalent to the present salary that he draws from the Jashan Committee and further offered to share the entire burden of pension* upon himself by donating the amount to the Jashan Committee. Dastur Kutar acted as a religious teacher in the Wadia Vatcha School at Dadar. As President of the Jashan Committee our client received a letter dated 26th July 1966 in which the Hon.

Secretary of the school stated that for the past several years the Jashan Committee arranged to impart religious instructions to the children of the school and that the classes were taken by Dastoor Kutar, that at the meeting of the School Working Committee held on 24th May 1966, it was resolved to request our client as President to discontinue the services of Dastoor Kutar and replace him by one Ervad Peshotan Framroze Pir. Accordingly, he was debarred from going to Wadia Vatcha School as a religious teacher. The school authorities further withdrew the facilities given to Dastoor Kutar of taking religious classes in the school premises. *Instances both relating to Mr. Jal Bajan and Dastoor Kutar are sufficient to show that the affairs of the Jashan Committee were not in order as they should be.* As President, our client was bound to be firm in his approach and to see that the affairs of the Jashan Committee were properly managed. Before this, our client as a Trustee of the Athornan Mandal, had also occasion to deal with Dastoor Kutar and Mr. Jal Bajan with a firm hand. All this correct attitude on the part of our client has infuriated both Dastoor Kutar and Mr. Jal Bajan and it is on this account that *they have resorted to malign our client.*

The facts further show that it is your client and others including Dastoor Kutar who have been acting mala fide and, if therefore, firm steps have been taken by our client, they were justifiably taken."

30. After paying the said glorious tributes to the honesty and integrity of these two fellow travellers, if Mr. Maneck Mistry still continues to associate himself and seek their support it reflects very poorly on the intellectual integrity of a Trustee of Parsi Panchayet. In particular, I invite attention of the members of my community to the portions which appear in italics. I therefore attach no sanctity to a resolution which is moved by such a priest and I challenge the right of such a priest to speak on behalf of the community.

31(A) The matter, however, does not rest here. Probably Mr. Maneck Mistry may have totally forgotten the instructions which he gave as late as January 1967, regarding the honesty and inte-

grity of Dastur Kutar. As late as 24th March 1970 a medical certificate was produced in Case No. 221|P signed by Dr. Golwala the youngest Trustee of the Parsi Panchayet and who was present at the meeting on the dais. The said certificate related to the illness of Dastur Kutar to attend the Court in what has been popularly known as Navsari Garda College mis-appropriation case. The minutes of the Court dated 24th March 1970 are re-produced below:

"Accused in person

Witness Kutar is not present.

He sent another medical certificate for one week.

I want to be satisfied that witness is genuinely incapable of attending Court. The same doctor had originally given certificate on 11th for ten days. The second certificate is for extension of one week more and the same is also recommended by him. The certificate should be proved for my satisfaction.

Adjourned for doctor's evidence tomorrow 11 A.M."

(B) I also re-produce below the minutes of the Court dated 25th March 1970 in the above case:

"Doctor Golwala has not been summoned either by the Prosecution or by the witness Kutar. Today I am given a letter from Dr. Golwala by one Mr. Pheroze D. Daruwala explaining his inability to come to Court because of a teaching engagement in K.E.M. Hospital. As he was not summoned, I cannot take any action against the doctor for not coming.

Since the witness Kutar has not cared to come even today or summoned the doctor to explain the medical certificate I feel that he is deliberately evading to attend. Issued Bailable Warrant (Rs. 200|-) against him for 31.3.70."

I do not wish to cast any reflection upon Dr. Golwala at this stage nor do I wish to say anything about the said certificate, as

originally dated 17th—date altered to 22nd. The said certificate is reproduced below:

"DR. A. F. GOLWALLA

Phone:
Room 296492
Resi: 295627

Eros Bldg.,
Churchgate,
BOMBAY 20.

22.3.1970

This is to certify that Dasturji Mahiar Kutar has still high blood-pressure and is advised rest at home for at least one week more.

Sd|-.
Dr. A. F. Golwalla."

Dastur Kutar was arrested pursuant to the said warrant and bailed out. It is apparent from the certificate that Dr. Golwalla did not even know the correct name of his patient, even the earlier certificate given by Dr. Golwalla bears the same name.

32. On the 31st March 1970, a day before 1st April 1970 the learned Chief Presidency Magistrate gave judgment in the above case (when Dastur Kutar was present) holding the accused Mehtaji guilty at the same time holding: "My own suspicion all along has been that he was not alone in this defalcation". This happened on the 31st March 1970 and on 1st April Dastur Kutar like a roaring lion gives a forceful lecture. *If a devil could ever quote Bible, it is difficult to find a more appropriate illustration of this adage in our community than Dastur Kutar.*

33. Then followed Professor F. E. Merchant. Prof. Merchant's picture has figured in Jam-e-Jamshed on a number of occasions during the last year as he is connected with J. J. Commerce College. Of all the outstanding Matrimonial Lawyers in Bombay, Mr. Maneck Mistry i.e. the Jashan Committee could only lay hands on Prof. Merchant to support the resolution. I as a Lawyer have been unable to understand the purport of his lecture. He suggests that inter-communal marriages end in divorces. Does Prof. Merchant assume that Parsi marriages do not end in

divorces? Has he any statistics to show how many Parsi marriages have been dissolved and compared those with inter-communal marriages of Parsis? Are not the problems of Parsi marriages regarding custody of children the same as those involved in inter-communal marriages? Marriage is a matter of give and take. A cynic has described it as a lottery and divorces have no relationship whatsoever with the issue whether a particular marriage is an inter-communal marriage or a Parsi marriage. The correct aspect of the matter is that in all inter-communal marriages whether of Parsis, Hindus, Muslims or Christians, the 'sanskars' of the husband and wife would hardly tally. It matters not whether an inter-communal marriage is between a Parsi husband and an alien wife or between a Parsi wife and an alien husband. At the same time several inter-communal marriages have been quite happy and communal marriages miserable. Our rising divorce rate speaks for itself. To blame the institution of marriage as ending in divorce if it is inter-communal but not otherwise would be totally fallacious, the more so if such an argument is advanced by a lawyer.

34. Then follows the newspaper report of 4th April 1970 which discusses the issue of Tower of Silence v|s Crematorium. I do not desire to express at this stage any view on this subject other than to state that if any one has given an impetus to Crematorium, it is the so-called orthodox class of the community. I also do not wish to state anything regarding this resolution of Mr. Jehangir Shroff a Trustee Designate of the Parsi Panchayet for the next vacancy (to be elected by Kingmaker Mr. Maneck Mistry ably assisted by Mr. Minocher-Homji) other than to draw his attention to the fact that at Bangalore there was a Parsi graveyard in existence. A Tower of Silence was built in the year 1939-40 in which the then head priests and Dastoorjis played a leading part. Litigation ensued and today both are functioning simultaneously. It is the Tower of Silence which divided the Bangalore Parsi Community which upto that date had been united into two factions and the result has been that the Tower of Silence is hardly used.

I shall also give another instance of Parsi fanaticism. There was absolutely no necessity for having a Tower of Silence at Andheri. How much of public funds has been wasted?

35. At Delhi, there is a burial ground. Parsi dead bodies even after the last rites are allowed to be touched and seen by non-Parsis. The last darshan is not barred unlike at Doongerwadi to non-Parsis. It is this out-dated custom of not allowing a dead body to be seen by non-Parsis who come to pay their last respect that has given a great momentum to the crematorium movement in Bombay. Even some of the Trustees of the Parsi Panchayet who have the moral courage should come out in the open and admit this fact. Whilst Doongerwadi is not a place where there can be a crematorium (vide Dasturji Daboo's message published on 7th April 1970), it is neither in the hands of the reformists nor in the hands of orthodox to decide the place or crematorium. No Government or Municipality would allow a crematorium to be erected in the heart of a locality which has now become posh and aristocratic and which is covered practically on all four sides by palatial skyscrapers. The first people who would object to such a movement would be non-Parsi neighbours residing in the nearby locality.

36. The other aspect which the so-called orthodox Parsis should not forget is that we are now in the jet age. The slaughter-house from Bandra has already been moved to Deonar because of the nuisance of the vultures who hinder or restrict the movement of the jet planes. The distance between Doongerwadi and Bandra is not very far and therefore if some fine day, if not today, after a decade or two, the orthodox are called upon to stop using their Tower of Silence and allocated another place at a distance, they need not get upset or excited.

37. Fanaticism has no place in Zoroastrian religion. Speaking for myself it is a matter of supreme indifference to me whether my body after departure of the soul is consigned to the Tower of Silence or to the flames or to sea or anywhere else. What is a human body? An old rag retains its form longer than he who wore it. What a humble and degrading thought that we shall one day resemble a rotten carcass?

38. In my view by creating controversy in the press of this nature, those who are in charge of the welfare of the community are only expediting what they would call an evil day.

39. I shall now deal with the last resolution condemning the policy of Kaiser-I-Hind. I have stated above and I repeat that this was a unique meeting where neither the agenda nor the resolutions were ever published. To condemn any one behind his back without giving him a reasonable opportunity of explaining his position is opposed to principles of natural justice.

I then have before me the Jam-e-Jamshed dated 5th April 1970 (Sunday) which again repeats that the community gave a stunning blow to Dasturji Bode. A stunning blow very often reacts and does harm to the person who attempts to give the blow. Language of this type does no credit to the draftsman particularly for a community that claims to be educated and well-bred.

CONCLUSIONS

(A) The sponsorers of the meeting have no right or authority or jurisdiction after the facts which have been set out above to speak or pass any resolution on behalf of the community.

(B) Zoroastrian religion does not consist in fighting or creating factions in respect of matters which do not pertain to religion but which pertain to customs and ceremonies and which matters can be solved across the table rather than by creating controversy in the press.

(C) That religion is a matter of one's own conviction and it is an instrument of freeing one's soul—from the cycle of birth and death. Religion is not a matter of outside appearance but a matter of one's own conviction. I reproduce below in this connection *not my own views but the views of Dasturji Daboo published on 30th March 1970 under the caption "Rahe Mazda Yasni" in Jam-e-Jamshed itself:*

"(1) To keep religion alive what is necessary is mutual love affection and mutual give-and-take.

(2) Let the younger generation learn that the religion is not a matter of inconvenience. What one derives from being religious is a matter of inward joy.

(3) That religion is not a matter of exhibition.

(4) Like a ship without rudder the bulk of our community has no aim. If they realise the moral path taught by religion, then one can save one's life from being dissipated.

(5) That in the name of religious knowledge the real essence of religion is not taught. *If the lives of the preachers are not ideal, any advice given by such people would*

be of little or no effect. In this direction, printed literature can do much more than lectures.

(6) There is no harmony or unity amongst Dasturs and Scholars. Each one finds fault with the other and lowers him. *This kind of conduct of Dasturs and Scholars does distinct disservice to the younger generation.*

(7) One should not be surprised if as a result of intercaste marriages the original traits of the community are lost, otherwise, the community would be totally lost.

(8) Each member of the community should try to improve himself.

(9) Din *(religion) is not either in "Shastras" (Religious books) or in temples. It is a matter of one's own conviction of the heart. One should look within. It is futile to rely upon Parsi Panchayet or the community.* Without active individual co-operation they can do nothing."

I suggest in the interest of the community at large and in the interest of those who believe that they are true Zoroastrians, in spite of all the mess which has been created, to think twice before it is too late. *If the leadership of the community were to vest in those who convened the meeting at Sir Cowasjee Jehangir Hall, the doom of the community will be nearer than anticipated.*

Let us bury the past. Let us have no regret for what has happened in the past. Let us realise that the result of creating factions in the community will be tantamount to self-annihilation. Let us sit across the table and formulate a common moral code. Let us not create or multiply problems. Let us not adopt the path of escapism by turning away our eyes from reality. Let us face the gravest problems which are confronting the community, viz.:

(a) housing the homeless;

(b) formulation of schemes of amalgamation and utilisation of idle trust funds;

(c) formulation of schemes for amalgamation of agiaries which are 'starving' or in the process of deterioration;

(d) scheme for having our civil laws consolidated and re-enacted;

(e) radical change in the selection and appointment of the Trustees of the Parsi Panchayet so as to ensure maximum benefit to the maximum number of Parsis, Trustees who should be free from all Parsi politics and who can have objective thinking;

(f) schemes for providing for proper and adequate education to the children of Parsi priests, adequate housing for them and compensation commensurate with their dignity by creating a society amongst the priests like the Society of Servants of Jesus, a Society in which envy, calumny, insane jealousy, hypocrisy, conceit and hatred find no place, a Society which can cultivate the innate virtues.

HAMA ANJUMAN ZINDABAD

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